U.S. Army Corps of Engineers

		CT OFFIC MBER:		eston District						
9 0 2	State Cour Cent Appr Nam	e: nty: er coordii roximate :	Texas Kleberg nates of si size of are est waterw	te (latitude/lon a (parcel) reviray: Laguna d Los Olmos C	gitude): ewed, in e los Olr	cluding	27-16-16.0433 97-43-2.864 uplands: approximately 0.028 acres.			
				RMINATION determination (s)			Date: 7 July 2005 Date(s):			
	Iuri	sdictiona	l Determi	nation (JD):						
		Prelimina United S	ary JD - B tates" and	ased on availa	ble infor waters o	rmation, of the U	☐ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable			
1	\boxtimes		d JD – An I that appl		is an app	oealable	action (Reference 33 CFR part 331).			
		☐ There the review	e are "nav wed area.	igable waters of Approximate	of the Ur size of j	nited Sta urisdicti	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: approximately 0.028 acre.			
				ers of the Unit proximate size			efined by 33 CFR part 328 and associated guidance) within the la area:			
		There	e are "isoi	lated, non-nav. Decision sup Jurisdiction.	<i>igable, ii</i> ported b	ntra-stat y SWA	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No			
	Α.	Waters of	defined u	aters that are si	part 329 ubject to	9 as "na the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.			
	B. ⊠	3. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.								
	(2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.									
		(5) The p	presence o	of a tributary to	a water as.	identifi	s waters of the US. ed in (1) – (4) above. vaters of the US, except for those wetlands adjacent to other wetlands.			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located in Laguna de los Olmos a waterway that is subject to the ebb and flow of the tide.

2 **FILE NUMBER: 23855** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: oil or scum line along shore objects clear, natural line impressed on the bank the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics tidal gages destruction of terrestrial vegetation other: shelving other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR pair 320.3 (2007).

The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Riviera Beach, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Riviera Beach State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date):

П

П

100-year Floodplain Elevation is:

Other photographs (Date):

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

(NGVD)

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC FILE NUMBER: D-17436 PROJECT LOCATION INFORMATION: State: Texas County: Cameron Center coordinates of site (latitude/longitude): 26 13' 25"/97 39'13" Approximate size of area (parcel) reviewed, including uplands: 640 acres. Name of nearest waterway: Arroyo Colorado Name of watershed: Arroyo Colorad JURISDICTIONAL DETERMINATION Date: 1 July 2005 **Completed:** Desktop determination 27 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

[1] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US. \Box (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: D-17436

Late	ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
\boxtimes	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
DATA I	Cother (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Historic quadrangles: U.S. Geological Survey 15 Minute Historic puadrangles: U.S. Geological Survey 16 Minute Historic puadrangles: U.S. Geological Survey 17 Minute Historic puadrangles: U.

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17448

Stat Cou Cen App Nar	e: Tex inty: Nue iter coordinates proximate size o	cces of site (latitude/longitud of area (parcel) reviewed aterway: Cayo del Osos	e): , including	N27.64564 W 97.31139 uplands: 94.8 acres.					
	npleted: Des	ETERMINATION sktop determination visit(s)	\boxtimes	Date: Date(s): 7/7/05					
Jur	isdictional Det	termination (JD):							
	United States	D - Based on available in " and/or "navigable wate 3 CFR part 331).	formation rs of the U	, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the inited States" on the project site. A preliminary JD is not appealable					
\boxtimes	Approved JD Check all that		appealable	e action (Reference 33 CFR part 331).					
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area:								
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:								
	⊠ There are	"isolated, non-navigable Decision supporte Jurisdiction.	e, intra-sta d by SWA	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.					
	Waters define The presence	of waters that are subject	329 as "nate to the ebl	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.					
B.	(1) The prese interstate or f (2) The prese (3) The prese sandflats, we destruction o (i) which (ii) from (iii) which (4) Impound (5) The prese (6) The prese	ence of waters, which are foreign commerce, includence of interstate waters in the control of th	currently ting all wa neluding in as intrasta otholes, we estate comminterstate re or could or industrice defined a ter identif	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. In purposes by industries in interstate commerce. In swaters of the US.					

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-17448 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: oil or scum line along shore objects clear, natural line impressed on the bank fine shell or debris deposits (foreshore) the presence of litter and debris physical markings/characteristics changes in the character of soil destruction of terrestrial vegetation tidal gages other: shelving other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: NWI **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated ☐ This office does not concur with the delineation report, dated , prepared by (company): , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Oso Creek NE, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Oso Creek NE, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date):

(NGVD)

100-year Floodplain Elevation is:

Applicable/supporting case law:
Other information (please specify):

Advanced Identification Wetland maps: Site visit/determination conducted on: 7/7/05

Other photographs (Date):

Aerial Photographs (Name & Date): GLO 2002, 2004

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17194

PROT	FCT LOC	ATION IN	NFORMATIO	۷.					
S C C A N	tate: ounty: enter coord pproximate	Texas Harris inates of s size of are rest watery	ite (latitude/long	gitude): wed, inclu Creek	_	Lat: 29-51-4.1193 N uplands: 800 acres.	Long: 95-37-18.7351 W		
			ERMINATION determination t(s)	×		Date: 8 July 2005 Date(s):			
J	urisdiction	al Determ	ination (JD):						
極	United	States" and					or) there appear to be no "waters of the ect site. A preliminary JD is not appealable		
Σ		ed JD – Ar ill that app	• •	s an appeal	lable	action (Reference 33 Cl	FR part 331).		
	Then	re are "nav ewed area.	igable waters o Approximate s	f the Unitedize of juris	d Sta	ntes" (as defined by 33 Cional area:	CFR part 329 and associated guidance) within		
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:								
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Dete Jurisdiction.							vithin the reviewed area. le Information Sheet for Determination of No.		
A	. Waters The pre	defined u	aters that are su	art 329 as bject to the	"na e ebb	wigable waters of the U and flow of the tide and tt interstate or foreign co	Vor are presently used, or have been used in		
B G	(1) The interstar (2) The (3) The sandflar destruct (i) (ii)	presence of presence of presence of presence of s, wetland tion of white which are from which	of waters, which in commerce, in of interstate water of other waters is s, sloughs, prair ch could affect or could be used this or shellfich or shel	are curren cluding all ers including uch as intraitie potholes interstate call by interst sh are or call	ntly unit wat many in the comments of the comments of the could water to the could water the c	ers which are subject to sterstate wetlands ¹ . te lakes, rivers, streams (at meadows, playa lakes, sterce including any such or foreign travelers for re- be taken and sold in inte	States": past, or may be susceptible to use in the ebb and flow of the tide. including intermittent streams), mudflats, or natural ponds, the use, degradation or a waters (check all that apply): cereational or other purposes. erstate or foreign commerce. in interstate commerce.		
	(4) Imp (5) The (6) The	oundments presence of presence of	of waters other of a tributary to of territorial seas	wise defin a water ide s.	ed a	s waters of the US. ed in (1) – (4) above.	for those wetlands adjacent to other wetlands		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The tract contains Langham Creek and Horsepen Creek, which are tributaries to Buffalo Bayou, a navigable water of the U.S. Therefore, the creeks and their adjacent wetlands are waters of the U.S.

2 FILE NUMBER: D-17194 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects
fine shell or debris deposits (foreshot physical markings/characteristics) clear, natural line impressed on the bank the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil destruction of terrestrial vegetation tidal gages shelving other: 茵 other: wetland boundary Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Addicks, Tex. Photorevised 1980; Hedwig Village, Tex. 1982 U.S. Geological Survey 7.5 Minute Historic quadrangles:
U.S. Geological Survey 15 Minute Historic quadrangles:
USDA Natural Resources Conservation Service Soil Surv National wetlands inventory maps: USDA Natural Resources Conservation Service Soil Survey: State/Local wetland inventory maps: State/Local wetland inventory maps:

FEMA/FIRM maps (Map Name & Date): Harris County, Panels 610 and 630 of 1135 dated 6 November 1996 100-year Floodplain Elevation is: (NGVD)

Aerial Photographs (Name & Date): 1995 Infrared Aerial

Other photographs (Date):

Advanced Identification Wetland maps:

Site visit/determination conducted on:
Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17041

F	P	O	IF	CT	T.	റ്	Δ	TI	O	N	IN	F) I	21	M A	\ T	TO	N:
1	1.	v	JĽ	-		-	$^{\prime\prime}$		v	1.4	111	т.,	•		*1.		10	

State: Texas County: Harris

Center coordinates of site (latitude/longitude): 29 35'54"N 95 18'10"W Approximate size of area (parcel) reviewed, including uplands: 124 acres.

Name of nearest waterway: Clear Creek Name of watershed: Clear CReek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 7 June 1005
Site visit(s) Date(s): 8 June 2005

Jurisdictional Determination (JD)

100	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
3	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	☑ <i>There are</i> "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 13 Acres.
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

BASIS OF JURISDICTIONAL DETERMINATION:

Jurisdiction.

	VI VVIIIVE I VIIIVE I
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- \bigcirc (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are located within the 100-year floodplain of Clear Creek with no barriers between. Clear Creek, downstream, is navigable and subject to the ebb and flow of the daily tide.

FILE NUMBER: D-17041

	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: Gillor scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
M	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Berg Oliver Associates
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated February 2005, prepared by (company): Berg*Oliver This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Pearland U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1976 Harris County National wetlands inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: November 1996 Harris County Q3 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1998, 1982, 1975 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 8 June 2005 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

		CT OFFIC	CE:	CESWG							
		JMBER: CT LOCA	TION IN	D-16741 FORMATION:							
	State		Texas	CIGNITION							
	Cou	nty:	Harris								
				te (latitude/longit			47"N, 95° 20' 14"W				
	App	roximate s	size of are	a (parcel) review	ed, includi	ng uplands: _	17.9-AC				
				ray: Brays Bayou ffalo/San Jacinto							
	INAII	ile of water	islied. Du	maio/San Jacinto							
JUR	ISD	ICTIONA	L DETE	RMINATION							
	Con	npleted:	-	determination	Ø	Date:	07/06/05				
			Site visit	(s)		Date(s):					
	Juri	isdictional	l Determi	nation (JD):							
	m				informatio	n 🗆 there o	ppear to be (or) 🗌 there appear to	he no "waters of the			
		United St	ates" and	or "navigable wa part 331).	iters of the	United States	" on the project site. A preliminary	JD is not appealable			
	\boxtimes				n appealat	ole action (Re	Gerence 33 CFR part 331).				
		Check all	that apply	y:							
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area:									
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:0.10-acres									
		☐ There	are "isol	ated, non-naviga Decision suppor Jurisdiction.	ble, intra-s ted by SW	tate waters of ANCC/Migra	wetlands" within the reviewed area tory Bird Rule Information Sheet for	or Determination of No			
BAS	is c	or ilibic	DICTIO	NAL DETERMI	NATION						
DAO							ters of the United States":				
		The prese	nce of wa	ters that are subj	ect to the e	bb and flow o	f the tide and/or are presently used,	or have been used in			
		the past,	or may be	susceptible for u	se to trans	port interstate	or foreign commerce.				
	B.	Waters d	lefined ur	nder 33 CFR pai	rt 328.3(a)	as "waters o	f the United States":				
		(1) The p	resence of	f waters, which a	re currently	y used, or wer	e used in the past, or may be suscept	tible to use in			
		interstate	or foreign	commerce, incl	uding all w	aters which a	re subject to the ebb and flow of the	tide.			
	Н	(2) The p	resence of	f interstate waters	including	interstate we	lands'. ers, streams (including intermittent s	treams) mudflats			
	Ш						playa lakes, or natural ponds, the us				
							ling any such waters (check all that				
							avelers for recreational or other purp				
							d sold in interstate or foreign comm				
				of waters otherw			by industries in interstate commerce. The US.	•			
	×			f a tributary to a v							
	固	(6) The p	resence of	f territorial seas.							
	\boxtimes	(7) The p	resence of	f wetlands adjace	nt ² to other	r waters of the	US, except for those wetlands adja-	cent to other wetlands.			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands and waters as ditches are within the 100-yr Floodplain of Brays Bayou and hydrologically connected to a navigable water of the United States.

2	
FILE NUMBER: D-16741	
Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:	
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:	
Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CI 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	r for
DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated _May 4, 2005, prepared by (company): Berg Oli This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Park Place U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Harris County Soil Survey, 1976 National wetlands inventory maps: State/Local wetland inventory maps:	ver

FEMA/FIRM maps (Map Name & Date): FIRM Panel 480296, Nov 6, 1996

FEMA/FIRM maps (Map Name & Date): FIRM Panel 480296, Nov 6, 100-year Floodplain Elevation is:

Aerial Photographs (Name & Date): 1976 B&W, Color 1998 and 1982

Other photographs (Date): See Report

Advanced Identification Wetland maps:

Site visit/determination conducted on:

Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17118

PROJEC	e: Texas	FORMATION:							
Cou Cen App	inty: Harris ter coordinates of sit proximate size of area ne of nearest waterw	a (parcel) reviewed, ay: Buffalo Bayou	including		Long: 95-38-49.7882 W				
Nan	ne of watershed:	Buffalo Bayou-San	Jacinto R	iver					
	ICTIONAL DETE npleted: Desktop of Site visit(determination	× •	Date: 6 July 2005 Date(s):					
Jur	isdictional Determi	nation (JD):							
	Preliminary JD - Ba United States" and/ (Reference 33 CFR	or "navigable waters	formation, s of the Un	there appear to be (onited States" on the proje	or) there appear to be no "waters of the ct site. A preliminary JD is not appealable				
	Approved JD – An Check all that apply		ppealable	action (Reference 33 CF	R part 331).				
		gable waters of the U Approximate size of			FR part 329 and associated guidance) within				
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:								
	There are "isolo	ated, non-navigable, Decision supported Jurisdiction.	intra-stat by SWA	te waters or wetlands" wi NCC/Migratory Bird Rul	thin the reviewed area. e Information Sheet for Determination of No				
	OF JURISDICTION								
A.	The presence of wa	ters that are subject t	to the ebb	vigable waters of the Un and flow of the tide and/ at interstate or foreign con	or are presently used, or have been used in				
-	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.								
	(3) The presence of sandflats, wetlands destruction of which	f other waters such a , sloughs, prairie pot th could affect inters	s intrastat tholes, we tate comn	te lakes, rivers, streams (i t meadows, playa lakes, on the including any such	ncluding intermittent streams), mudflats, or natural ponds, the use, degradation or waters (check all that apply):				
	(ii) from which (iii) which are	h fish or shellfish are or could be used for	e or could industria	be taken and sold in inte I purposes by industries i	creational or other purposes. rstate or foreign commerce. n interstate commerce.				
	(4) Impoundments (5) The presence of (6) The presence of	of waters otherwise f a tributary to a water ferritorial seas.	defined as er identifi	s waters of the US. ed in (1) – (4) above.					
響	(7) The presence of	f wetlands adjacent ²	to other v	vaters of the US, except f	or those wetlands adjacent to other wetlands.				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17118

	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
W.	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
2	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas 図 図	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA NAME OF THE PARTY OF THE P	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Addicks, Tex. Photorevised 1980 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Infrared Aerial Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23839

ΡI	P	n	I	F	C	Т	T i	n	C.	Δ'	T	1	1	V	T	V	F	n	R	'n	Иľ	Δ	T	14	n	N	١.
	•	v	J	£	٠.		L	u	'L	-		u	"	•			.,	v	7.	w	,	_		т,	u	1,	٠.

State:

Texas

County:

Jefferson

Center coordinates of site (latitude/longitude):

Lat: 25.15.38 Long: 58.31.35

Approximate size of area (parcel) reviewed, including uplands: 0.048 acres.

Name of nearest waterway: Sabine Lake Name of watershed: Sabine Lake

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 11 July 2005

Site visit(s)

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simega\) there appear to be (or) \(\simega\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Date(s):

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

It There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23839

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:
	Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DIST	RICT	OFFI	CE:CES	SWG
FILE	NUM	BER:	D-17449)

Sta Co Ce Ap Na	te:Texas unty: Montegomery nter coordinates of site (latitude/longitude): 30° 19' 04"N, 95° 25' 44"W (NAD27) proximate size of area (parcel) reviewed, including uplands:									
	DICTIONAL DETERMINATION mpleted: Desktop determination									
Ju	risdictional Determination (JD):									
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).									
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:									
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:									
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:									
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.									
BASIS A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.									
В.	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.									
	(2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.									
⊠ Ra	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.									

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed pipeline installation will cross Little Caney Creek. The creek flows into the West Fork of the San Jacinto River. The San Jacinto River is a Navigable water of the United States.

La	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) D-17449
\boxtimes	Ordinary High Water Mark indicated by: High Tide Line indicated by:
	☐ clear, natural line impressed on the bank ☐ oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore)
	☐ changes in the character of soil ☐ physical markings/characteristics
	destruction of terrestrial vegetation tidal gages
	shelving other:
	other: Map showing the pipeline cross the creek
	Mean High Water Mark indicated by:
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	sis For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
Ø	Maps, plans, plots or plat submitted by or on behalf of the applicant.
面	Data sheets prepared/submitted by or on behalf of the applicant.
Stories	This office concurs with the delineation report, dated, prepared by (company):
	This office does not concur with the delineation report, dated, prepared by (company):
	Data sheets prepared by the Corps.
Ø	Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas:
Ø	U.S. Geological Survey 7.5 Minute Topographic maps:
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles:
	USDA Natural Resources Conservation Service Soil Survey:
	National wetlands inventory maps:
图	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date):
	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date):
	Other photographs (Date):
	Advanced Identification Wetland maps:
	Site visit/determination conducted on:
	Applicable/supporting case law:
	Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23860

Sta Cou Cer App Nar	CT LOCATION INFORMATION: te: Texas thty: San Jacinto ter coordinates of site (latitude/longitu proximate size of area (parcel) reviewe the of nearest waterway: Lake Livingst the of watershed: Lower Trinity	d, includir								
	npleted: Desktop determination Site visit(s)		Date: 07 July 2005 Date(s):							
Jur	isdictional Determination (JD):									
	Preliminary JD - Based on available in United States" and/or "navigable wat (Reference 33 CFR part 331).	informatio ers of the	on, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable							
Ø	Approved JD – An approved JD is an Check all that apply:	appealab	le action (Reference 33 CFR part 331).							
	There are "navigable waters of the reviewed area. Approximate size		States" (as defined by 33 CFR part 329 and associated guidance) within ctional area:							
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:									
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination Jurisdiction.										
A.		329 as "not to the eb	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.							
<u>a</u>	interstate or foreign commerce, include (2) The presence of interstate waters (3) The presence of other waters such sandflats, wetlands, sloughs, prairie p destruction of which could affect inte (i) which are or could be used by (ii) from which fish or shellfish a	currently ding all wa including it as intrasta ootholes, wa rstate com interstate are or coul for industri	used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. interstate wetlands ¹ . ate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce. ital purposes by industries in interstate commerce.							
	(5) The presence of a tributary to a way (6) The presence of territorial seas.	ater identi								

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is located within Lake Livingston, a navigable water of the United States.

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: Applicant supplied plans, 131 elevation.
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG

(6) The presence of territorial seas.

FILE N	UMBER: SWG-05-12-022
Stat Cou Cer App Nar	CT LOCATION INFORMATION: te: Texas anty: Jefferson ter coordinates of site (latitude/longitude): 29° 53' 15"N, 93° 59' 57"W (NAD27) broximate size of area (parcel) reviewed, including uplands:
	DICTIONAL DETERMINATION mpleted: Desktop determination
Jur	isdictional Determination (JD):
Ø	Preliminary JD - Based on available information, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate commerce.
S	 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.
(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is located in wetlands adjacent to Alligator Bayou. The wetlands are within the 100-year floodplain of the bayou. Compliance determination D-16300(02)

Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) SWG-05-12-022
	Ordinary High Water Mark indicated by: High Tide Line indicated by:
ALL STATES	clear, natural line impressed on the bank oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation tidal gages
	shelving Applicant supplied information.
	other: Applicant supplied information.
	Many Well Water Medical diseased hou
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
<u> </u>	PBS&J
Bas	sis For Not Asserting Jurisdiction:
П	The reviewed area consists entirely of uplands.
靣	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
ā	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
at	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.
X	Data sheets prepared/submitted by or on behalf of the applicant.
********	☐ This office concurs with the delineation report, dated, prepared by (company):
	This office is in the process of verifying the delineation report, dated 02 June 2005, prepared by PBS&J
	Data sheets prepared by the Corps.
	Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas:
\boxtimes	U.S. Geological Survey 7.5 Minute Topographic maps:
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
吊	U.S. Geological Survey 15 Minute Historic quadrangles:
H	USDA Natural Resources Conservation Service Soil Survey:
님	
B	National wetlands inventory maps:
	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date):
	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date):
	Other photographs (Date):
	Advanced Identification Wetland maps:
	Site visit/determination conducted on:
	Applicable/supporting case law:
雨	Other information (please specify)

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG

FILE NUMBER: D-17415 & 17446(02)037

PROJECT LOCATION INFORMATION:

State:

Texas

County: Polk

Center coordinates of site (latitude/longitude):

Lat: 30.33.36 Long: 94.55.47

Approximate size of area (parcel) reviewed, including uplands: 3 acres.

Name of nearest waterway: Trinity River Name of watershed: Trinity River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 6 July 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17415 & 17446(02)037

Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 22621(03)

P	RA	IF	CT	T.	0	$\Gamma \Lambda$	TI	ON	IN	FΩ	P	MΛ	TI	ON:

State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

Lat: 29.47.30 Long: 95.04.36

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Old River Name of watershed: San Jacinto River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 6 July 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simega\) there appear to be (or) \(\simega\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Machine There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(2) The presence of interstate waters including interstate vicinities.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 22621(02)

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17407 & D-17408

PR	O.I	ECT	LOC	ATIC	M	INFO	RMA	TION:

State: Texas

County: Polk

Center coordinates of site (latitude/longitude): Lat: 30.50.10 Long: 95.09.07

Approximate size of area (parcel) reviewed, including uplands: 0.007 acres.

Name of nearest waterway: Brushy Creek

Name of watershed: Lake Livingston/ Trinity River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

 \boxtimes

Date: 6 July 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17407 & D-17408

	Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I changes in the character of soil I destruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: SWG FILE NUMBER: 23845

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State:

tx

County: san jacinto

Center coordinates of site (latitude/longitude):

Easting: 287370; Northing: 3413295

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Trinity River Name of watershed: Trinity River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

X

Date: 7/6/05 Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FΙ	Ι.	E.	N	11	I	N	1	R	E	R

	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ Wetland boundaries, as shown on the attached wetland	vegetation lines/changes in vegetation types. delineation map and/or in a delineation report prepared by:
Bas IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII	United States: Waste treatment systems, including treatment poly Artificially irrigated areas, which would revert the Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain where Water-filled depressions created in dry land inciting the purpose of obtaining fill, sand, or gravel unlead abandoned and the resulting body of water meet 328.3(a). Isolated, intrastate wetland with no nexus to interpretations.	sis of 33 CFR part 328.3(a)(3). the following waters present on the site are not Waters of the onds or lagoons, pursuant to 33 CFR part 328.3. o upland if the irrigation ceased. and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created rater for primarily aesthetic reasons. dental to construction activity and pits excavated in dry land for ess and until the construction or excavation operation is s the definition of waters of the United States found at 33 CFR
	Non-tidal drainage or irrigation ditches excavate Other (explain):	
図	REVIEWED FOR JURSIDICTIONAL DETERMINA Maps, plans, plots or plat submitted by or on behalf of the atal sheets prepared/submitted by or on behalf of the atal This office concurs with the delineation report, date This office does not concur with the delineation report, date This office does not concur with the delineation report, date Unit of the atal sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangle: U.S. Geological Survey 15 Minute Historic quadrangle: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Surve	the applicant. oplicant. od , prepared by (company): ort, dated , prepared by (company): s:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-13-007

Star Cor Cer App Nar	ct Location information: te: Texas unty: Harris ter coordinates of site (latitude/longitude proximate size of area (parcel) reviewed, the of nearest waterway: Carpenter's Bay the of watershed: Buffalo-San Jacinto	including	s' 27"N, 95° 05' 55"W (NAD27) g uplands: <u>0.01</u> acre.
	pictional Determination mpleted: Desktop determination Site visit(s)	⊠ Đ	Date: 01 July 2005 Date(s):
Jur	isdictional Determination (JD):		
			there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Ø	Approved JD – An approved JD is an a Check all that apply:	ppealable	e action (Reference 33 CFR part 331).
	There are "navigable waters of the the reviewed area. Approximate size o	United St f jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:0.01 acre
	There are "waters of the United Stareviewed area. Approximate size of jun		defined by 33 CFR part 328 and associated guidance) within the al area:
			tte waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
A.	OF JURISDICTIONAL DETERMINA Waters defined under 33 CFR part 3 The presence of waters that are subject the past, or may be susceptible for use the past of the pas	29 as "na to the ebb	and flow of the tide and/or are presently used, or have been used in
B.	interstate or foreign commerce, including (2) The presence of interstate waters inc (3) The presence of other waters such a sandflats, wetlands, sloughs, prairie pot destruction of which could affect interstate (i) which are or could be used by in (ii) from which fish or shellfish are (iii) which are or could be used for (4) Impoundments of waters otherwise (5) The presence of a tributary to a water	urrently ung all wat cluding ir s intrastat holes, we tate comm nterstate of e or could industria defined a	ased, or were used in the past, or may be susceptible to use in the subject to the ebb and flow of the tide. Interstate wetlands ¹ . It lakes, rivers, streams (including intermittent streams), mudflats, at meadows, playa lakes, or natural ponds, the use, degradation or incree including any such waters (check all that apply): or foreign travelers for recreational or other purposes. In be taken and sold in interstate or foreign commerce. It purposes by industries in interstate commerce.
	 (6) The presence of territorial seas. (7) The presence of wetlands adjacent² 	to other v	vaters of the US, except for those wetlands adjacent to other wetlands.
Rat	ionale for the Basis of Jurisdictional D	etermina	ation (applies to any boxes checked above). The proposed project is

located in Carpenters Bayou. The area of the bayou is a tidally influenced area adjacent to the Houston Ship Channel.

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: Applicant supplied information.
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
5	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Hydrological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23598(01)

Sta Co Ce Ap Na	Act Location Information: ate: Texas unty: Liberty nter coordinates of site (latitude/longitude): 30° 07' 15"N, 94° 48' 58"W proximate size of area (parcel) reviewed, including uplands: 2.4 acres. me of nearest waterway: Trinity River me of watershed: Lower Trinity
	DICTIONAL DETERMINATION mpleted: Desktop determination
Jui	risdictional Determination (JD):
	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:2.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.
	tionale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The project is located in Trinity River, which is a navigable waterway.

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I coil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: Other: Applicant supplied information
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas E	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute His

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23336(01)

PR	റ	JE	CT	1.	റ്റ	\Lambda '	rī.	ON	INF	OE	N	ſΑ	TION:

State: Texas County: Orange

Center coordinates of site (latitude/longitude):

Lat: 30.05.46 Long: 93.43.30

Approximate size of area (parcel) reviewed, including uplands: 0.011 acres.

Name of nearest waterway: Sabine River

Name of watershed: Sabine

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 6 July 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square \) there appear to be (or) \(\square \) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 **FILE NUMBER: 23336(01)** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. \Box Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created \Box by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): This office concurs with the delineation report, dated This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Other photographs (Date):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17128

PROJEC	T LOCATION	INFORMATION:		
State	e: Texas	;		
Cou	nty: Fort I	Bend		
		f site (latitude/longitud		29 31' 52" N, 95 30' 19" W (NAD 27)
		area (parcel) reviewed	, including	g uplands: 2.7 acres.
Nam	ne of nearest wat	erway: Oyster Creek		
Nam	ne of watershed:	Austin Oyster		
JURISD	ICTIONAL DE	TERMINATION		
		top determination		Date: 06 July 2005
		visit(s)	П	Date(s):
		· /	and the same of th	• •
		rmination (JD):		
	Preliminary JD United States" a (Reference 33 C	and/or "navigable wate	formation	, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
×	Approved JD – Check all that a		appealable	e action (Reference 33 CFR part 331).
		navigable waters of the ea. Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
		waters of the United St Approximate size of ju		defined by 33 CFR part 328 and associated guidance) within the al area:
	There are "	isolated, non-navigable Decision supporte Jurisdiction.	e, intra-sta d by SWA	nte waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
DACIC	SE HIDISDICT	IONAL DETERMIN	ATION:	
				avigable waters of the United States":
A.	The presence of	f waters that are subjec	t to the eb	b and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
В.	Waters define	d under 33 CFR part	328.3(a) a	s "waters of the United States":
	(1) The present	ce of waters, which are	currently	used, or were used in the past, or may be susceptible to use in
*******	interstate or for	reign commerce, includ	ling all wa	ters which are subject to the ebb and flow of the tide.
П		ce of interstate waters i		
Ħ	(3) The present	ce of other waters such	as intrasta	te lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetla	ands, sloughs, prairie p	otholes, w	et meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of v	which could affect inter	state com	merce including any such waters (check all that apply):
	(i) which a	are or could be used by	interstate	or foreign travelers for recreational or other purposes.
	(ii) from v	vhich fish or shellfish a	re or could	d be taken and sold in interstate or foreign commerce.
				al purposes by industries in interstate commerce.
		ents of waters otherwise		
		ce of a tributary to a wa		
	(6) The present	ce of territorial seas.		
	(7) The present	ce of wetlands adjacent	to other	waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17128

eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ destruction of terrestrial vegetation □ other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
Other (explain):
REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant.
Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company):
This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Missouri City U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1957 Fort Bend (digital) National wetlands inventory maps: 1999 Missouri City State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Fort Bend County, Panel 270, Revised 03 January 1997 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): TNRIS Missouri City, 1995 Other photographs (Date): undated site photographs Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17320

PROJE	CT LOCA	TION INFORMATI	ON:					
Sta	te:	TX						
Co	unty:	Galveston						
Cei	nter coordi	nates of site (latitude/le	ongitude	e):	29° 12' 45"N,	94° 55' 49"W (NAD27)		
Ap	proximate	size of area (parcel) re	viewed,	including	uplands:	acres.		
		est waterway: Gulf of						
	ne of wate				•			
JURISI	ICTION	AL DETERMINATION	ON					
Co	mpleted:	Desktop determination	n	\boxtimes	Date: 07/05/0:	5		
	•	Site visit(s)		П	Date(s):			
		3.00 (1.0.0(0)		[]	24.0(0).			
Ju	isdictiona	l Determination (JD)	:					
\boxtimes	Prelimin	ary JD - Based on avai	lable inf	formation.	. X there appe	ar to be (or) there appear to be no "waters of the		
						the project site. A preliminary JD is not appealable		
		ce 33 CFR part 331).						
	`	• ,						
3	Approve	d JD – An approved JI) is an a	ppealable	action (Referen	nce 33 CFR part 331).		
		l that apply:		• •	`	• ,		
	☐ There	e are "navigable water:	s of the	United Sta	ates" (as define	d by 33 CFR part 329 and associated guidance) within		
	the revie	wed area. Approximat	te size o	f jurisdict	ional area:			
				-				
	There	e are "waters of the Ur	ited Sta	tes" (as d	lefined by 33 C	FR part 328 and associated guidance) within the		
	reviewed area. Approximate size of jurisdictional area:							
	There					tlands" within the reviewed area.		
		Decision su	ipported	by SWA	NCC/Migratory	Bird Rule Information Sheet for Determination of No		
		Jurisdiction	١.					
		DICTIONAL DETE						
<u>A.</u>	Waters	defined under 33 CFI	R part 3	29 as "na	vigable waters	s of the United States":		
37	The prese	ence of waters that are	subject	to the ebb	and flow of the	e tide and/or are presently used, or have been used in		
	the past,	or may be susceptible	for use 1	<u>to transpo</u>	<u>rt</u> interstate or f	oreign commerce.		
<u>B.</u>		defined under 33 CFI						
(A)						ed in the past, or may be susceptible to use in		
						ubject to the ebb and flow of the tide.		
**	(2) The p	presence of interstate w	aters in	cluding in	iterstate wetland	is'.		
4%						streams (including intermittent streams), mudflats,		
						ya lakes, or natural ponds, the use, degradation or		
						any such waters (check all that apply):		
						lers for recreational or other purposes.		
						old in interstate or foreign commerce.		
-						ndustries in interstate commerce.		
		undments of waters ot						
		presence of a tributary		er identifi	ed in (1) – (4) a	ibove.		
		presence of territorial s						
\boxtimes	(7) The p	presence of wetlands a	djacent ²	to other v	vaters of the US	S, except for those wetlands adjacent to other wetlands.		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Dune Swale wetlands, adjacent of the Gulf of Mexico.

FILE NUMBER: D-17320

	Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I changes in the character of soil I destruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17.5 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadr

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17422

PROJE	CT LOCA	TION IN	FORMATION:				
Sta	ite:	Texas					
	unty:	Brazoria					
Ce	nter coordir	nates of si	te (latitude/longitu	ıde):	29 13' 17"N, 95 31' 02"W		
				d, includin	g uplands: 19.6 acres.		
			ay: Oyster Creek				
Na	me of water	rshed:	Austin Oyster				
HIDIC	DICTION	I DETE	DMINATION				
			RMINATION determination	M	Date: 06 July 2005		
C	mpieteu:	_					
		Site visit	(s)	Ш	Date(s):		
Ju	risdictional	l Determi	nation (JD):				
×	Prelimina	rv JD - B	ased on available	information	n, \square there appear to be (or) \square there appear to be no "waters of the		
	United St	ates" and	or "navigable wa	ters of the U	United States" on the project site. A preliminary JD is not appealable		
			R part 331).				
				n appealabl	e action (Reference 33 CFR part 331).		
	Check all	that appl	y:				
		66	:L1	a Umitad C	tates" (as defined by 33 CFR part 329 and associated guidance) within		
	Inere	are nav	Approximate size	e Onneu S	tailes (as defined by 33 CFK part 329 and associated guidance) within		
	the review	wed area.	Approximate size	oi jui isuic	ctional area.		
	There	are "wate	ers of the United S	States" (as	defined by 33 CFR part 328 and associated guidance) within the		
	reviewed	area. An	proximate size of	iurisdiction	nal area:		
		ш. тр	F**	J			
	There	are "isol	ated, non-navigal	ble, intra-st	ate waters or wetlands" within the reviewed area.		
			Decision suppor	ted by SWA	ANCC/Migratory Bird Rule Information Sheet for Determination of No		
			Jurisdiction.				
DACIC	OF HIDIS	DICTIO	NAL DETERMI	NATION.			
					avigable waters of the United States":		
A.	The prese	ence of wa	sters that are subje	ect to the eb	bb and flow of the tide and/or are presently used, or have been used in		
					ort interstate or foreign commerce.		
	the past,	or may be	susceptione for a	oc <u>to transp</u>	<u> </u>		
В.	Waters o	defined u	nder 33 CFR par	t 328.3(a)	as "waters of the United States":		
	(1) The p	resence o	f waters, which ar	e currently	used, or were used in the past, or may be susceptible to use in		
	interstate	or foreig	n commerce, inclu	iding all wa	aters which are subject to the ebb and flow of the tide.		
	(2) The p	resence o	f interstate waters	including i	interstate wetlands ¹ .		
					ate lakes, rivers, streams (including intermittent streams), mudflats,		
					vet meadows, playa lakes, or natural ponds, the use, degradation or		
					imerce including any such waters (check all that apply):		
					or foreign travelers for recreational or other purposes.		
		rom whic	n tish or shellfish	are or coul	d be taken and sold in interstate or foreign commerce.		
					ial purposes by industries in interstate commerce.		
F					as waters of the US.		
F			of a tributary to a volt of territorial seas.	vater identi	fied in (1) – (4) above.		
	(0) Ine p	resence o	r territoriai seas. Evvetlande adiace	nt ² to other	waters of the US, except for those wetlands adjacent to other wetlands.		
12	(/) The p	A COURTE O	i wellands adjace	in to other	nations of the OD, except for those nethands adjacent to other nethands.		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands appear to be located on the site. The site is located within the 100 year flood zone of Oyster Creek, a navigable water of the United States, downstream from the site. The site is also in close proximity to Oyster Creek. Therefore any wetlands on the site are adjacent to Oyster Creek.

FILE NUMBER: D-17422

	Peral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: I light Tide Line indicated by: Oil or scum line along shore objects oil or scum line along shore objects fine shell or debris deposits (foreshore) changes in the character of soil destruction of terrestrial vegetation shelving other:						
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.						
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:						
DATA E	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1993 East Columbia U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: 1981 Brazoria County National wetlands inventory maps: 1998 East Columbia State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Brazoria County, Panel 410, 05 June 1989 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): TNRIS East Columbia DOQQ, 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):						

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23854

PRC)JEC	CT LOCA	TION I	NFORMATIO	N:		
	State	e:	Texas				
	Cou		Galvest				
	Cent	ter coordi	nates of s	site (latitude/long	gitude	e):	Latitude 29° 26' 57.10'; Longitude -94° 43; 05.92"
	App	roximate	size of ar	ea (parcel) revie	ewed,	including	g uplands: 0.5 acres.
	Nam	ne of near	est water	way: Galveston			
	Nam	ne of wate	rshed:	East Galvesto	n Bay	y Huc: 12	2040202
TITE	ich	ICTION	AL DET	ERMINATION	J		
JUN	Con	nnleted:	Desktor	determination	•	Ø	Date: 8 July 2005
	Con	apieteu.	Site vis			\boxtimes	Date(s):
			Site vis	11(5)			Date(3).
				nination (JD):			
		United S	tates" an	Based on availat d/or "navigable 'R part 331).	ble in water	formation s of the U	n, ☐ there appear to be (or) ☐ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	Ø	Approve Check al	d JD – A l that app	n approved JD i	s an a	appealable	e action (Reference 33 CFR part 331).
		There the revie	e are "na wed area	vigable waters of . Approximate	of the size o	United Stof jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
		☑ There reviewed	<i>e are</i> "wa I area. A	aters of the Unite pproximate size	ed Sta of ju	ates" (as erisdiction	defined by 33 CFR part 328 and associated guidance) within the nal area:
		☐ There	e are "iso	olated, non-navi Decision sup Jurisdiction.	gable ported	e, intra-sta d by SWA	ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
BAS		OF JURIS	SDICTIO	ONAL DETER	MINA	ATION:	avigable waters of the United States":
	A.	The pres	ence of v	vaters that are su	ibject	to the eb	b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
	B.	Waters	defined	under 33 CFR	part 3	328.3(a) a	as "waters of the United States":
	\boxtimes	(1) The:	presence	of waters, which	h are	currently	used, or were used in the past, or may be susceptible to use in
		interstat	e or forei	gn commerce, in	nclud	ing all wa	aters which are subject to the ebb and flow of the tide.
		(2) The	presence	of interstate was	ters ir	ncluding i	interstate wetlands ¹ .
		(3) The	presence	of other waters	such	as intrasta	ate lakes, rivers, streams (including intermittent streams), mudflats,
		sandflat	s, wetlan	ds, sloughs, prai	rie po	otholes, w	ret meadows, playa lakes, or natural ponds, the use, degradation or
		destruct	ion of wh	nich could affect	inter	state com	merce including any such waters (check all that apply):
		∐ (i) '	which are	or could be use	ed by	interstate	or foreign travelers for recreational or other purposes.
		∐ (ii)	from wh	ich fish or shellf	tish ai	re or coul	d be taken and sold in interstate or foreign commerce.
		Li (iii)) which a	re or could be us	sed to	or industri	ial purposes by industries in interstate commerce.
	Ц	(4) Impo	oundmen	ts of waters othe	erwise	e defined	as waters of the US.
	H	(5) The	presence	of a tributary to	a wa	iter identi:	fied in (1) – (4) above.
	出	(6) The (7) The	presence presence	of territorial sea of wetlands adj	as. acent	2 to other	waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

404

FILE NUMBER: 23854

Lat	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:								
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.								
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:								
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:								
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):								
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Flake, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):								

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DIS	TRICT	OFFIC	E: (CESWG
RII J	FNIIM	RFR · 2	385	0

PROJECT LOCATION INFORMATION:

	State		Texas	_				
	Cour		Chamber nates of site	s e (latitude/longitud	de):	Latitude 29 30' 48.62"N and Longitude -94 54' 41.53"W		
	App	Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.						
	Name of nearest waterway: Galveston Bay Name of watershed: West Galveston Bay Huc: 12040204							
	Nam	ie or wate	ersneu:	west Gaiveston B	ay Huc.	12040204		
JUF				RMINATION		D 0.1.1.0005		
	Con	ipleted:	Desktop Site visit	determination (s)		Date: 8 July 2005 Date(s):		
	Juri	sdictiona	ıl Determi	nation (JD):				
		United S	tates" and	ased on available in for "navigable water a part 331).	nformation ers of the U	, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable		
	×		ed JD – An Il that appl		appealable	e action (Reference 33 CFR part 331).		
		☒ There the revie	e are "nav wed area.	gable waters of the Approximate size	e United St of jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:		
				ers of the United So proximate size of j		defined by 33 CFR part 328 and associated guidance) within the lal area:		
		There	e are "isol	ated, non-navigable Decision supporte Jurisdiction.	le, intra-sta ed by SWA	ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.		
BA	SIS C)F JURIS	SDICTIO	NAL DETERMIN	ATION:			
	A.	Waters	defined u	nder 33 CFR part	329 as "n	avigable waters of the United States":		
	×	The pres the past,	ence of wa or may be	susceptible for use	t to the eb	b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.		
	В.	Waters	defined u	nder 33 CFR part	328.3(a) a	as "waters of the United States":		
	\boxtimes	(1) The property of	presence o	f waters, which are	currently	used, or were used in the past, or may be susceptible to use in uters which are subject to the ebb and flow of the tide.		
		interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ .						
		(3) The 1	presence o	f other waters such	as intrasta	ate lakes, rivers, streams (including intermittent streams), mudflats,		
		destructi	s, wettands ion of which	s, slougns, prairie p ch could affect inte	rstate com	et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply):		
		(i) v	which are	or could be used by	interstate	or foreign travelers for recreational or other purposes.		
		[] (ii)	from which	h fish or shellfish a	are or could	d be taken and sold in interstate or foreign commerce. al purposes by industries in interstate commerce.		
	П	(4) Impo) which are oundments	of waters otherwis	se defined	as waters of the US.		
	亘	(5) The	presence o	f a tributary to a w	ater identif	fied in (1) – (4) above.		
	H	(6) The (7) The	presence of	f territorial seas. f wetlands adjacen	t ² to other	waters of the US, except for those wetlands adjacent to other wetlands.		
	*********	• •	-	-				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

12s

FILE NUMBER: 23850

	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas E	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Bacliff, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 20122(03)

PROJE	JECT LOCATION INFORMATION:	
Sta	State: Texas	
	County: Fort Bend	0.500 4441934
Ce		9°30'44"N; Longitude -95°34'41"W
Ap	Approximate size of area (parcel) reviewed, including uplands: 9	2 acres.
Na	Name of nearest waterway: Brazos River	
Na	Name of watershed: Lower Brazos	
	ISDICTIONAL DETERMINATION	
Co	Completed: Desktop determination	ly 2005
	Site visit(s) Date(s):	
Ju	Jurisdictional Determination (JD):	
П	Preliminary JD - Based on available information, there a	ppear to be (or) \square there appear to be no "waters of the
	United States" and/or "navigable waters of the United States	"on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).	i i i i i i i i i i i i i i i i i i i
	(Reference 33 of Repair 33 t).	
X	■ Approved JD – An approved JD is an appealable action (Re	ference 33 CFR part 331).
-	Check all that apply:	<u>-</u>
	▼ There are "navigable waters of the United States" (as details) ▼ The end of the United States (as deta	fined by 33 CFR part 329 and associated guidance) within
	the reviewed area. Approximate size of jurisdictional area:	•
	☑ There are "waters of the United States" (as defined by 3	3 CFR part 328 and associated guidance) within the
	reviewed area. Approximate size of jurisdictional area:	
	There are "isolated, non-navigable, intra-state waters o	r wetlands" within the reviewed area.
		atory Bird Rule Information Sheet for Determination of No
	Jurisdiction.	
BASIS	SIS OF JURISDICTIONAL DETERMINATION:	e de la Fille de la Contra de Maria
<u>A.</u>	A. Waters defined under 33 CFR part 329 as "navigable wa	aters of the United States":
\boxtimes	The presence of waters that are subject to the ebb and flow	of the tide and/or are presently used, or have been used in
	the past, or may be susceptible for use to transport interstate	or foreign commerce.
_		Call Timber & Canadan 9.
В.	B. Waters defined under 33 CFR part 328.3(a) as "waters of	of the United States":
X	(1) The presence of waters, which are currently used, or we	re used in the past, or may be susceptible to use in
·	interstate or foreign commerce, including all waters which	are subject to the ebb and now of the fide.
<u> </u>	(2) The presence of interstate waters including interstate we (3) The presence of other waters such as intrastate lakes, riv	uallus .
L	(3) The presence of other waters such as intrastate takes, five sandflats, wetlands, sloughs, prairie potholes, wet meadows	place lakes or natural pands the use degradation or
	sandilats, wetlands, sloughs, prairie pouroles, wet ineadows	ding any such waters (check all that annly)
	destruction of which could affect interstate commerce inclu (i) which are or could be used by interstate or foreign t	ravalars for regrestional or other nurnoses
	(1) which are or could be used by interstate or foreign to	nd sold in interstate or foreign commerce
	(ii) from which fish or shellfish are or could be taken a	by industries in interstate commerce
_	(iii) which are or could be used for industrial purposes	the US
H	(4) Impoundments of waters otherwise defined as waters of (5) The presence of a tributary to a water identified in (1)—	(4) above
F		(T) 400 VC.
	 (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the 	a US, except for those wetlands adjacent to other wetlands
	(/) The presence of wellands adjacent to other waters of the	e ob, except for mose wertaines adjacent to other wertaines.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

10%

FILE NUMBER: 20122(03) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) physical markings/characteristics changes in the character of soil tidal gages destruction of terrestrial vegetation other: shelving other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): This office concurs with the delineation report, dated This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Missouri City, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): (NGVD) 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23844

PROJEC	ECT LOCATION INFORMATION:	
State	ate: Texas	
	ounty: Matagorda	
		atitude 28° 47′ 37″N; Longitude -95° 39′ 39″W
	pproximate size of area (parcel) reviewed, including up	lands: acres.
	ame of nearest waterway: Caney Creek	
Nan	ame of watershed: San Bernard	
HIDISD	DICTIONAL DETERMINATION	
		ate: 7 July 2005
-		ate(s):
	Site visit(s)	aic(s).
Jur	risdictional Determination (JD):	
	Preliminary JD - Based on available information,	there appear to be (or) there appear to be no "waters of the
	United States" and/or "navigable waters of the United	ed States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).	
E-78	t in in in in	(D. C
M	* ••	tion (Reference 33 CFR part 331).
	Check all that apply:	
	There are "navigable waters of the United States	s" (as defined by 33 CFR part 329 and associated guidance) within
	the reviewed area. Approximate size of jurisdiction	al area:
	☑ There are "waters of the United States" (as defi	ned by 33 CFR part 328 and associated guidance) within the
	reviewed area. Approximate size of jurisdictional a	rea: .
	■ There are "isolated, non-navigable, intra-state v	waters or wetlands" within the reviewed area.
		CC/Migratory Bird Rule Information Sheet for Determination of No
	Jurisdiction.	
RASIS	OF JURISDICTIONAL DETERMINATION:	
A.		vable waters of the United States":
	The presence of waters that are subject to the ebb an	nd flow of the tide and/or are presently used, or have been used in
***	the past, or may be susceptible for use to transport i	nterstate or foreign commerce.
	puos, or	
В.	. Waters defined under 33 CFR part 328.3(a) as "	waters of the United States":
\boxtimes	(1) The presence of waters, which are currently used	d, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters	
	(2) The presence of interstate waters including inter	state wetlands'.
	(3) The presence of other waters such as intrastate l	akes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet m	neadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commer	
	(i) which are or could be used by interstate or f	
		e taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial p(4) Impoundments of waters otherwise defined as w	
H	(4) Impoundments of waters otherwise defined as w (5) The presence of a tributary to a water identified	
H	(6) The presence of a tributary to a water identified (6) The presence of territorial seas.	m(1) - (4) above.
H	(7) The presence of wetlands adjacent ² to other wat	ers of the US, except for those wetlands adjacent to other wetlands.
	(1) The presence of westands adjacent to other was	ero or and oo, enterprisor mode wastan anjarent to omer mentando

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

201

FILE NUMBER: 23844

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ destruction of terrestrial vegetation □ other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sargent U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17382

PROJE	CT LOCATION I	NFORMATION:		
Co Ce Ap Na	tte: Texas unty: Brazoria nter coordinates of s proximate size of ar me of nearest waters me of watershed:	ite (latitude/longitude ea (parcel) reviewed,	e): including	15 279092E 3214189N (NAD27) USGS Oyster Creek uplands: acres.
	DICTIONAL DETI ompleted: Desktop Site visi	determination	X	Date: 6-16-05 Date(s):
Ju	risdictional Determ	nination (JD):		
×	Preliminary JD - I United States" and (Reference 33 CF	d/or "navigable water	formation s of the U	\(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
(19) (2)	Approved JD – A Check all that app		appealable	action (Reference 33 CFR part 331).
	There are "nather the reviewed area	vigable waters of the . Approximate size o	United Sta of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	There are "wa reviewed area. A	ters of the United Sta	ates" (as d	lefined by 33 CFR part 328 and associated guidance) within the al area:
	There are "iso	olated, non-navigable Decision supported Jurisdiction.	e, intra-sta d by SWA	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
A	Waters defined u	vaters that are subject	329 as "na to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
B. (2)	(1) The presence interstate or forei (2) The presence (3) The presence sandflats, wetland destruction of wh (ii) which are (iii) from which (iii) which are (4) Impoundment (5) The presence	of waters, which are gn commerce, includ of interstate waters in of other waters such ds, sloughs, prairie polich could affect intered or could be used by ich fish or shellfish are or could be used for sof waters otherwise of a tributary to a water for territorial seas	currently waing all waincluding in as intrasta otholes, we state comminterstate or could be industriated at defined a ter identification.	te lakes, rivers, streams (including intermittent streams), muditats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce. all purposes by industries in interstate commerce. as waters of the US. fied in (1) – (4) above.
Ē	(7) The presence	of wetlands adjacent	2 to other	waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project is located in Salt Lake.

	Il Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Irdinary High Water Mark indicated by: I clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: I changes in the character of soil tidal gages other: Plans other:
	ean High Water Mark indicated by:] survey to available datum; physical markings; vegetation lines/changes in vegetation types.
■ W	retland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
TI ME U ME H ME T	Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	VIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): aps, plans, plots or plat submitted by or on behalf of the applicant. ata sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): ata sheets prepared by the Corps. by a cological Survey Hydrologic Atlas: S. Geological Survey Hydrologic Atlas: S. Geological Survey 7.5 Minute Topographic maps: S. Geological Survey 15 Minute Historic quadrangles: S. Geological Survey 15 Minute Historic quadrangles: SDA Natural Resources Conservation Service Soil Survey: ational wetlands inventory maps: ate/Local wetland inventory maps: ate/Local wetland inventory maps: (MGVD) erial Photographs (Mame & Date): ther photographs (Date): dvanced Identification Wetland maps: te visit/determination conducted on: pplicable/supporting case law:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17383

Stai Cou Cer App Nai	e: inty: iter coordi proximate:	Texas Brazoria nates of sit size of areast waterw	FORMATION: te (latitude/longitua (parcel) reviewe ay: Salt Lake Salt Lake	de): d, including	15 279092E 3 g uplands:	214189N (NAD27) U: acres.	SGS Oyster Creek	
•			RMINATION determination (s)		Date: 6-16-05 Date(s):			
Jur	isdictiona	l Determi	nation (JD):					
\boxtimes	United S	tates" and/	ased on available or "navigable wat part 331).	nformation ers of the U	, \(there appe \) Inited States" or	ar to be (or) there as the project site. A project site.	appear to be no "watereliminary JD is not a	ers of the ppealable
3		d JD – An l that apply		appealable	action (Referen	nce 33 CFR part 331).		
	There the revie	e are "navi wed area.	gable waters of th Approximate size	e United St of jurisdict	ates" (as define ional area:	1 by 33 CFR part 329	and associated guidan	nce) within
	There reviewed	e are "wate l area. Ap	ers of the United S proximate size of	tates" (as our isdiction	defined by 33 C al area: .	FR part 328 and assoc	ciated guidance) withi	n the
	There	e are "isol	ated, non-navigab Decision support Jurisdiction.	le, intra-sta ed by SWA	ate waters or we NCC/Migratory	tlands" within the revi	iewed area. on Sheet for Determin	ation of No
BASIS (A.	Waters of	defined ur ence of wa	ters that are subje	: 329 as "na ct to the ebb	and flow of th	of the United States e tide and/or are present foreign commerce.	ntly used, or have bed	en used in
В.	(1) The printerstate	presence of or foreign	f waters, which are n commerce, inclu	currently of the curren	used, or were us ters which are s	e United States": ed in the past, or may abject to the ebb and f	be susceptible to use low of the tide.	in
	(3) The p sandflats destructi (i) v (ii) (iii)	oresence of s, wetlands on of which which are of from which which are	, sloughs, prairie per could affect into could be used by fish or shellfish or could be used	n as intrasta potholes, we erstate common vinterstate are or could for industria	te lakes, rivers, et meadows, pla merce including or foreign trave I be taken and s al purposes by i	streams (including int ya lakes, or natural po any such waters (chec ers for recreational or old in interstate or fore industries in interstate of	onds, the use, degrada ck all that apply): other purposes. eign commerce.	udflats, tion or
	(5) The p	presence of	of waters otherwi f a tributary to a w f territorial seas. f wetlands adjacer	ater identif	ied in (1) – (4) a	bos. bove. s, except for those wet	lands adjacent to othe	er wetlands
Ra	tionale for	r the Basis	of Jurisdictiona	Determin	ation (applies t	o any boxes checked	above). If the jurisd	ictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project is located in Salt Lake.

FILE NUMBER: D-17383

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ tidal gages □ other: Plans
₩	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23832

FILE N	OMBEK:	23832		
Stat Cou Cen App Nar	e: inty: iter coordi oroximate	ATION INFORMATION: Texas Brazoria nates of site (latitude/longitud size of area (parcel) reviewed est waterway: Salt Lake ershed: Salt Lake	e): , includinş	15 279092E 3214189N (NAD27) USGS Oyster Creek g uplands: acres.
•		AL DETERMINATION Desktop determination Site visit(s)	X	Date: 6-16-05 Date(s):
Jur	isdictiona	al Determination (JD):		
×	Prelimin United S	ary JD - Based on available in	formation	there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
要		ed JD – An approved JD is an ll that apply:	appealable	e action (Reference 33 CFR part 331).
		e are "navigable waters of the weed area. Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	There	e are "waters of the United St d area. Approximate size of ju	ates" (as our isdiction	defined by 33 CFR part 328 and associated guidance) within the al area:
	There There	e are "isolated, non-navigable Decision supporte Jurisdiction.	e, intra-sta d by SWA	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (A.	Waters The pres	ence of waters that are subject	329 as "nate to the ebl	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
	(1) The printerstate (2) The printerstate (2)	presence of waters, which are e or foreign commerce, includ presence of interstate waters in	currently ing all wancluding in	us "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands 1.
*	(3) The part sandflats destruction (i) (ii)	presence of other waters such s, wetlands, sloughs, prairie po ion of which could affect inter which are or could be used by from which fish or shellfish a	as intrasta otholes, we state com- interstate re or could	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce.
	(4) Impo (5) The 1	oundments of waters otherwise presence of a tributary to a wapresence of territorial seas.	defined a ter identif	ied in (1) – (4) above.
52	(7) The	presence of wetlands adjacent	to other	waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project is located in Salt Lake.

FILE NUMBER: 23832

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ tidal gages □ other: Plans
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas M	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soli Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (nlease specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-05-18-004

PR(TEC	T LOCA	TION I	NFORMATIO	ON:			
1 100	State	: :	Texas Galveste					
	Cour			ite (latitude/lo	ongitude):	UTM 15 3627	05E 3268418N (NAD27)	High Island
	Appi	roximate	size of ar	ea (parcel) rev	viewed, including	uplands:	acres.	
				way: Gulf of N Gulf of Mex				
	Nam	e of wate	rsned.	Guil of Mex	aco			•
JUR	ISDI	CTION	AL DET	ERMINATIO				
	Com	pleted:	Desktop	determination	XXXXX	Date: 7-7-05		
			Site visi	t(s)		Date(s):		
	Juri	sdictiona	l Determ	ination (JD):				
	-	United S	tates" and					near to be no "waters of the minary JD is not appealable
	200000000		d JD – Ai l that app		is an appealable	action (Referer	nce 33 CFR part 331).	
					of the United Sta e size of jurisdicti		i by 33 CFR part 329 and	associated guidance) within
					ited States" (as d ze of jurisdictiona		FR part 328 and associate	d guidance) within the
		There	e are "iso	lated, non-nav	vigable, intra-stat pported by SWAI	te waters or wet NCC/Migratory	lands" within the reviews Bird Rule Information S	ed area. heet for Determination of No

BASIS OF JURISDICTIONAL DETERMINATION:

Jurisdiction.

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
\boxtimes	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands ¹ .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
·	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in $(1) - (4)$ above.
	(6) The presence of territorial seas.
M	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project is located in adjacent wetlands to the Gulf of Mexico.

FILE NUMBER: SWG-05-18-004 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics tidal gages destruction of terrestrial vegetation shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Seperations Systems Consultants, Inc. **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. П Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created П by excavating and/or diking dry land to retain water for primarily aesthetic reasons. П Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

L	10	1.	KI	LI	OI	L.T.	CE:	CES	**
F	II	Æ	N	UΜ	BE	R:	238	61	

PROJECT	LOCA	TION IN	FORM.	ATION:
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State:

Texas

County:

Brazoria Center coordinates of site (latitude/longitude):

UTM 15 250961E 3204562N (NAD27) Cedar Lane NE

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: San Bernard River

San Bernard River Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 7-7-05

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ the no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ the no "waters of the no "waters of the no" \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

[3] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. \Box

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project is located in the San Bernard River.

FILE NUMBER: 23861

La ⊠	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: Plans
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 14392(05)/1970

PROJEC	CT LOCATION INFORMATION:	
Stat	e: Texas	
	nty: Jackson	
Cen	ter coordinates of site (latitude/longitude):	UTM 14 750977E 3179820N
App	proximate size of area (parcel) reviewed, incl	luding uplands: acres.
Nan	ne of nearest waterway: Carancahua Bay	
Nan	ne of watershed: Carancahua Bay	
	ICTIONAL DETERMINATION	Date: 13 June 2005
Cor	npleted: Desktop determination Site visit(s)	Date: 15 June 2005
	Site visit(s)	Date(s):
Jur	isdictional Determination (JD):	
П	Preliminary JD - Based on available inform	nation, \square there appear to be (or) \square there appear to be no "waters of the
*****	United States" and/or "navigable waters of	the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).	
		(D. C
M	Approved JD – An approved JD is an appea	alable action (Reference 33 CFR part 331).
	Check all that apply:	
	There are "navigable waters of the Unit	ted States" (as defined by 33 CFR part 329 and associated guidance) within
	the reviewed area. Approximate size of jur	risdictional area:
	There are "waters of the United States"	' (as defined by 33 CFR part 328 and associated guidance) within the
	reviewed area. Approximate size of jurisdi	ictional area:
	The second secon	and the waters or wetlands" within the reviewed area
	There are "isolated, non-navigable, inti	tra-state waters or wetlands" within the reviewed area. SWANCC/Migratory Bird Rule Information Sheet for Determination of No.
	Decision supported by Jurisdiction.	5 WAINCE/Migratory Bird Rule information sheet for Determination of the
	Julisdiction.	
BASIS (OF JURISDICTIONAL DETERMINATION	ON:
A.	Waters defined under 33 CFR part 329 g	as "navigable waters of the United States":
Ø	The presence of waters that are subject to the	he ebb and flow of the tide and/or are presently used, or have been used in
-	the past, or may be susceptible for use to tra	ansport interstate or foreign commerce.
	•	
<u>B.</u>	Waters defined under 33 CFR part 328.3	3(a) as "waters of the United States":
	(1) The presence of waters, which are curre	ently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including a	all waters which are subject to the ebb and flow of the tide.
믬	(2) The presence of interstate waters includ	aing interstate wetlands. atrastate lakes, rivers, streams (including intermittent streams), mudflats,
	(3) The presence of other waters such as in	les, wet meadows, playa lakes, or natural ponds, the use, degradation or
	sandriats, wettailds, sloughs, prairie poulois	e commerce including any such waters (check all that apply):
	(i) which are or could be used by inter-	restate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or	could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for ind	dustrial purposes by industries in interstate commerce.
П	(4) Impoundments of waters otherwise defi	ined as waters of the US.
	(5) The presence of a tributary to a water ic	dentified in $(1) - (4)$ above.
一片	(6) The presence of territorial seas.	
固	(7) The presence of wetlands adjacent ² to o	other waters of the US, except for those wetlands adjacent to other wetlands.

		the families to some bound about the invisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Pasis of Jurisdiction, document the rationale used to make adjacency determination: The project is located in Carancahua Bay.

FILE NUMBER: 14392(05)/1970

La I	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: Plans
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba D	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps.
	Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Ceological Survey 7.5 Minute Topograph Product U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Topographs (Uamangles): U.S. Geological Survey 7.5 Minute Topographs: U.S. Geological Survey 7.5 Minute Topographs (Survey): National Wetland inventory maps: State/Local wetland inventory maps: EEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17293

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State:

Texas

County:

Matagorda

Center coordinates of site (latitude/longitude):

UTM 15, 227908E, 3218515N

Approximate size of area (parcel) reviewed, including uplands: 2.5 acres. Name of nearest waterway: Unnamed tributary of Linnville Bayou

Linnville Bayou Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date:

Date(s): 9 June 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square \) there appear to be (or) \(\square \) there appear to be no "waters of the
 United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.44 ac.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(2) The presence of interstate waters including interstate wettained.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Unnamed trbutary of Linnville Bayou which is a tributary to Caney Creek, a navigable water

FILE NUMBER: D-17293

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Ashwood quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ Other photographs (Date): May 2005 Advanced Identification Wetland maps: Site visit/determination conducted on: 9 June 2005 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.